

REPORT ON THE QUESTION OF THE GENERIC NAME TO BE USED FOR THE VIRGINIA DEER OF NORTH AMERICA AND THE FALLOW DEER OF EUROPE

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When in Paris in 1948 the International Commission ruled in favour of the availability of Zimmermann's *Geographische Geschichte* of 1780 but against that of Frisch's *Natur-System* of 1775, it was realised that a problem remained in regard to the generic name *Dama* Zimmermann, 1780, for the type species of that genus, by monotypy, was *Dama virginiana* Zimmermann, 1780, and in consequence, if no remedial action were to be taken by the Commission, it would be necessary to transfer this generic name from the European list where it is used for the Fallow Deer to the American list for use for the Virginia Deer. It was recognised that such a transfer would be bound to give rise to confusion, and the Commission accordingly invited me, as Secretary, to confer with interested specialists on this subject and to submit a Report. Further, the Commission expressed the hope that, pending the receipt of the proposed Report, specialists would abstain from applying the name *Dama* Zimmermann to the Virginia Deer (1950, *Bull. zool. Nomencl.* **4** : 551).

2. As a first step in this investigation, I prepared in 1951 a short note setting out the issues involved and appealing to specialists for advice. This note was published on 15th April 1952 (Hemming, *Bull. zool. Nomencl.* **7** : 197-198). Already by this time I had received a proposal from Dr. T. C. S. Morrison-Scott, D.S.C., M.A., D.Sc. (*British Museum (Natural History)*, London), for the settlement of the present case on the basis of the existing practice of mammalogists in Europe and North America respectively. Notice of this application had already been given by Dr. Morrison-Scott through the publication of his proposals in the influential *Journal of Mammalogy* (Morrison-Scott, 1951, *J. Mammal.* **32** : 125-126). By these means everything possible has been done to bring this case to the attention of interested specialists, and the time is, I consider, ripe for the Commission to reach a decision on it.

3. The general basis of the settlement proposed by Dr. Morrison-Scott is that the Commission should use its Plenary Powers to secure that the generic name *Dama* shall remain available for the Fallow Deer of Europe, the effect of this action being to secure, without further interposition of the Plenary Powers, that the name *Odocoileus* Rafinesque, 1832, would continue to be the oldest available generic name for the Virginia Deer of North America.

4. Seven specialists have furnished comments on the present case. These are: the following five specialists at the *Chicago Natural History Museum*, Chicago, Illinois, U.S.A., namely (1) Karl P. Schmidt (*Chief Curator of Zoology*); (2) Colin Campbell Sanborn (*Curator of Mammals*); (3) D. Dwight Davis (*Curator of Anatomy*); (4) Bryan Patterson (*Curator of Fossil Mammals*);

(5) Rainer Zangerl (*Curator of Fossil Reptiles*); (6) Angel Cabrera (*Cuidad Eva Peron, F.C.N.G.R., Argentina*); (7) Robert K. Enders (*Swarthmore College, Swarthmore, Pennsylvania, U.S.A.*). The communications so received will be published in the *Bulletin of Zoological Nomenclature* at the same time as the present Report¹.

5. All the eight specialists who have communicated with the Commission are in agreement regarding the general scheme of settlement, and all except one (Cabrera) are in agreement with the specific proposals submitted by Dr. Morrison-Scott. It can therefore be taken, I think, that the solution to be adopted by the Commission should follow the lines of the Morrison-Scott proposal. Accordingly, the chief question to be considered is which of the alternative methods suggested offers the greater advantage. The difference between these alternatives is the following:—

(a) *The majority proposal (seven specialists):*

Under the majority proposal the Commission would use its Plenary Powers to validate the name *Dama* Frisch, 1775, with *Cervus dama* Linnaeus, 1758, as type species. This solution would overcome the difficulty caused by the existence of the name *Dama* Zimmermann, 1780 (with *Dama virginiana* Zimmermann, 1780, as type species), for that generic name would be an invalid junior homonym of *Dama* Frisch, 1775. This solution would follow also the general practice of zoologists prior to the rejection by the Commission in 1948 of Frisch's *Natur-System* as a work in which the author did not apply the principles of binominal nomenclature (see *Opinion* 258 published in 1954, *Ops. Decls. int. Comm. zool. Nomencl.* 5 : 245-252).

(b) *The minority view (one specialist):*

The objection to the action recommended in (a) above taken by Dr. Cabrera is that it would be illogical for the Commission, first, to reject Frisch's *Natur-System* as a work possessing no status in zoological nomenclature, and, second, to pick out from Frisch's book a particular name (*Dama* Frisch) and validate it under the Plenary Powers. Dr. Cabrera accordingly proposes, as an alternative, that the Commission, under its Plenary Powers, should suppress the name *Dama* Zimmermann, 1780, and, incidentally also the name *Platyceros* Zimmermann, 1780, and should determine the name *Dama* Hamilton Smith, 1827, as the generic name to be used for the Fallow Deer of Europe.

6. The question of principle raised in Dr. Cabrera's counter-proposal was considered by the International Commission on two occasions during its Session held in Paris in 1948, and on each occasion the Commission, and subsequently the Thirteenth International Congress of Zoology, took the opposite view to that now advanced by Dr. Cabrera. On the first occasion, express provision was inserted in the *Règles* for the purpose of facilitating the validation under the Plenary Powers of names in books which had been ruled to possess no status in zoological nomenclature (1950, *Bull. zool. Nomencl.* 4 : 65; 1950, *ibid.* 5 : 23-26). On the second occasion the Commission, when considering the question raised by the *Histoire abrégée des Insectes qui se trouvent aux Environs de Paris* published by Geoffrey in 1762, were confronted with a work which, like Frisch's *Natur-System*, was undoubtedly written by an author

¹See pp. 298-300,

who had not applied the principles of binominal nomenclature but which contained generic names which were in general use by specialists, were important names in the group concerned and which in the interests of nomenclatorial stability it was important should be preserved. In dealing with this case, the Commission had two alternative courses from which to choose: (1) to validate the *Histoire abrégée* under its Plenary Powers; (2) to reject this work as not complying with the requirements of the *Règles* (Article 25, Proviso (b)), but at the same time to indicate its willingness to use its Plenary Powers to validate names in the foregoing work in individual cases where specialists could show that this was desirable in the interest of avoiding objectionable name-changing. The first of these courses was rejected by the Commission, for its adoption would have given a valid status to numerous names, the resurrection of which would have defeated the foregoing object and would have involved a second use of the Plenary Powers for the purpose of suppressing generic names which had been needlessly brought to life by the validation of the *Histoire abrégée* as a whole. The Commission, supported by the Congress, decided, therefore, while rejecting the *Histoire abrégée*, to give public notice of its willingness to validate individual names in that book in suitable cases (1950, *Bull. zool. Nomencl.* 4 : 368; 1950, *ibid.* 5 : 106). We see therefore that the policy of using the Plenary Powers for validating in appropriate cases names published in books rejected as not having been published in compliance with the *Règles* is firmly established and enjoys moreover the full support of the International Congress of Zoology.

7. It is necessary now to examine the concrete suggestion put forward by Dr. Cabrera for securing the general object which all concerned are agreed to be desirable by means which involve the use of the Plenary Powers on a larger scale than that involved in Dr. Morrison-Scott's proposal but which avoids the validation of a name (*Dama*) published in a work (Frisch's *Natur-System*) which has been rejected by the Commission as being unavailable for nomenclatorial purposes. The main feature of this scheme is that the name *Dama* should be accepted as from the first occasion subsequent to Frisch and Zimmermann on which it was published for the Fallow Deer of Europe (i.e. by Smith (C. H.), 1827). This suggestion, like Dr. Cabrera's objection discussed in the preceding paragraph, raises a general issue which has already been considered by the Commission. This matter arose at the Session held by the Commission at Lisbon in 1935, when consideration was given to proposals relating to a large number of generic names in the Class Insecta (Order Hymenoptera). These were all important names—many of them forming the basis of well-known family groups—which were in general use but which were incorrectly so used, either because the generic name in question was itself invalid (as a junior synonym of some other name) or because the type species under the *Règles* was not that currently accepted as such. Some use of the Plenary Powers was necessary in these cases, whether the name in question was validated from its original date of publication or whether it was allowed to rank from some later usage, and the Commission decided that the best course would be to standardise these names as from their original priority rather than accept the next known later usage. In taking this decision, the Commission was prompted by two considerations: (a) There was always the risk that what was then believed

to be the oldest subsequent usage was in fact antedated by some hitherto undetected usage with a type species other than that which it was desired to secure for the genus concerned. (b) Similarly, there was the risk that in the period intervening between the date of the invalid usage and that of the first subsequent usage in the desired sense, some totally different generic name might have been published for the genus in question, of which therefore the generic name which it was desired to stabilise would become a junior synonym. In either case the adoption of the "next later usage" principle would have meant that the first use of the Plenary Powers would have failed to secure the desired end and that a second use of those Powers would need to be made if the object sought, but not secured, by the first use of those Powers was to be attained (1943, *Bull. zool. Nomencl.* 1: 27-30). In the present case the fact that the span between the date of Frisch's *Natur-System* and the date on which the name *Dama* was published by Hamilton Smith (the usage favoured by Dr. Cabrera) extends over so long a period as fifty-two years clearly offers a substantial risk that at some time during that half-century some author either (i) used the generic name *Dama* in a sense different from that now desired, or (ii) that some other (now undetected) generic name was published for the Fallow Deer.

8. In the light of the considerations outlined in the preceding paragraphs, I am of the opinion that the most advantageous course to adopt in the present course is to follow the precedent set by the Commission in 1935 and 1948 and by the Congress in the latter of those years, that is, that, while upholding in its entirety its decision that Frisch's *Natur-System* is not a nomenclatorially available work, the Commission should nevertheless use its Plenary Powers for the purpose of validating one of the names in it, namely the name *Dama* Frisch, 1775, and that under those Powers it should at the same time designate *Cervus dama* Linnaeus, 1758, to be the type species of this genus. This is the course recommended by Dr. Morrison-Scott and by six of the seven other specialists who have furnished the Commission with comments on this case.

9. In accordance with the instructions given to me in Paris in 1948 I now submit for the consideration of the International Commission the conclusions which, after consultation with interested specialists, I have reached in the present case. For the reasons explained in the preceding paragraphs these recommendations are substantially the same as those put forward by Dr. Morrison-Scott; they differ however therefrom by the inclusion (as required by the Regulations prescribed by the International Congress of Zoology) of proposals for the addition to the *Official Index of Rejected and Invalid Generic Names in Zoology* (a) of the name *Dama* Zimmermann, 1780, which, under the proposals submitted, would become a junior homonym of *Dama* Frisch, 1775, (b) of the name *Dama* Zimmermann, 1777 (a name published in a work rejected for nomenclatorial purposes by the Ruling given in *Opinion* 257), and (c) of three post-1780 usages of the name *Dama*. In this connection it may be noted that the pages on which the name *Dama* Zimmermann, 1777, and *Dama* Zimmermann, 1780, were respectively published have been reproduced in facsimile in *Opinion* 257 (: 238, 239). The recommendations now submitted are that the International Commission should:—

- (1) use its Plenary Powers (a) to validate the name *Dama* Frisch 1775 (a name published in a work rejected for nomenclatorial purposes by the Ruling given in *Opinion* 258) and (b) to designate *Cervus dama* Linnaeus, 1758, to be the type species of the genus so named;
- (2) place the under-mentioned generic names on the *Official List of Generic Names in Zoology* :—
 - (a) *Dama* Frisch, 1775, as validated under the Plenary Powers under (1) (a) above (gender : feminine) (type species, by designation under the Plenary Powers under (1) (b) above : *Cervus dama* Linnaeus, 1758) ;
 - (b) *Odocoileus* Rafinesque, 1832 (gender : masculine) (type species, by monotypy : *Odocoileus speleus* Rafinesque, 1832) ;
- (3) place the under-mentioned specific names on the *Official List of Specific Names in Zoology* :—
 - (a) *dama* Linnaeus, 1758, as published in the combination *Cervus dama* (specific name of type species, by designation under the Plenary Powers, under (1) (b) above, of *Dama* Frisch, 1775) ;
 - (b) *speleus* Rafinesque, 1832, as published in the combination *Odocoileus speleus* (specific name of type species of *Odocoileus* Rafinesque, 1832) ;
 - (c) *virginiana* Zimmermann, 1780, as published in the combination *Dama virginiana* ;
- (4) place the under-mentioned generic names on the *Official Index of Rejected and Invalid Generic Names in Zoology* :—
 - (a) *Dama* Zimmermann, 1777 (a name published in a work rejected for nomenclatorial purposes by the Ruling given in *Opinion* 257) ;
 - (b) the following names, each of which is a junior homonym of *Dama* Frisch, 1775, as validated under (1) (a) above :—
 - (i) *Dama* Zimmermann, 1780 ; (ii) *Dama* Smith (C. H.), 1827 (in Griffith's Edition, Cuvier *Anim. Kingd.*, Syn. : 306) ; (iii) Gray (J. E.), 1850, *Gleanings Menagerie Aviary Knowsley Hall*, Hoofed Quadrupeds 1 : 5 ;
 - (c) *Dama* Gray (J. E.), 1825 (*Ann. Phil.* 26 : 342 (a *nomen nudum*)).

10. The genus *Dama* Frisch (or Zimmermann) is currently regarded as belonging to the nominate subfamily of the family CERVIDAE. In consequence, no question connected with the *Official List of Family-Group Names in Zoology* arises in the present case.